

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RAMON LUIS VIZCARRONDO,)	
Petitioner)	
)	
v.)	C.A. 07-30017-MAP
)	
LOIS RUSSO,)	
Respondent)	

MEMORANDUM AND ORDER REGARDING MOTION FOR
CERTIFICATE OF APPEALABILITY
(Dkt. No. 30)

February 29, 2008

PONSOR, D.J.

Petitioner filed this action pursuant to 28 U.S.C. § 2254, seeking relief based upon alleged violations of his rights during his murder trial in the Commonwealth of Massachusetts in February 1999. On December 27, 2007, the court issued a Memorandum and Order dismissing his petition. The heart of Petitioner's contention was that the jury was instructed improperly.

Petitioner has now filed a Motion for a Certificate of Appealability. For the reasons set forth in the court's December 27, 2007 memorandum, this motion is hereby DENIED. As the court's memorandum indicates, there simply has not been any substantial showing of the denial of a Constitutional right. Petitioner has not raised issues that are debatable among jurists of reason, in the sense that some other court could resolve these issues in a manner different than I did on

December 27, 2007. Unfortunately for Petitioner, his petition simply does not raise issues which deserve encouragement to proceed further on appeal.

Accordingly, the Motion for Certificate of Appealability is hereby DENIED. This case can now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge